

**EXHIBIT C**

**UNREDACTED VERSION**

**OF DOCUMENT**

**SOUGHT TO BE SEALED**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

---oOo---

WAYMO LLC,

Plaintiff,

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING,

INC.,

Defendants.

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HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY  
30(b)(6) VIDEOTAPED DEPOSITION OF SCOTT JOHNSTON  
SAN FRANCISCO, CALIFORNIA  
THURSDAY, DECEMBER 14, 2017

BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~  
CSR LICENSE NO. 9830  
JOB NO. 2773322

Pages 1 - 107

Page 1

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1 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 09:44  
3 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] You know, typically, we see the legal 09:44  
5 department making that decision. And then it's 09:44  
6 implemented by an administrator, which is a 09:44  
7 configuration in what we call the control panel. 09:44  
8 Q All right. 09:44  
9 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 09:45  
12 A Exactly. 09:45  
13 [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
20 Q Yeah, so that -- let me make sure I've got 09:45  
21 this right. 09:45  
22 A Yeah. 09:45  
23 [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] 09:46

Page 12

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1 [REDACTED] [REDACTED]  
2 [REDACTED] [REDACTED] 09:59  
3 Q Anything more than that? 09:59  
4 A No. 09:59  
5 Q Does any -- strike that. 09:59  
6 Do you have any idea how many chats, if any, 09:59  
7 have been saved in connection with this case, pursuant 09:59  
8 to this lit hold? 09:59  
9 A I don't. 10:00  
10 [REDACTED] [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED] [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED] 10:00  
21 Q It's kind of the honor system? 10:00  
22 MR. BAKER: Objection; form. 10:00  
23 MR. GONZALEZ: Q. I don't mean any negative 10:00  
24 connotation. I'm -- it sounds like that's what it is. 10:00  
25 A It is not enforced in any policy -- automatic 10:00

Page 24

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1 Q Isn't it true that there are people at Google 10:01

2 that will use chat for business purposes? 10:01

3 A That is the main use of it. 10:01

4 Q And isn't it true that some of the 10:01

5 communications on chat are substantive? Important? 10:01

6 A Yes. 10:01

7 Q Is there a policy -- I got some policies from 10:01

8 your lawyers, and I've got them all here. I couldn't 10:02

9 find the policy that tells the Google employee when 10:02

10 the employee should use chat as opposed to e-mail. 10:02

11 Do you understand my point? 10:02

12 A I do. 10:02

13 Q Is there such a policy? 10:02

14 A No. 10:02

15 Q So what guidance, if any, are employees given 10:02

16 as to when they should use chat instead of e-mail? 10:02

17 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] 10:03

25 Is there any magic to that? 10:03

Page 26

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1 A No. Legal magic, I suppose. 10:03

2 Q All right. 10:03

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] 10:04

14 MR. BAKER: Objection to form. 10:04

15 THE WITNESS: You know, I don't recall right 10:04

16 now. 10:04

17 MR. GONZALEZ: Q. How many Google employees 10:04

18 were there in that 2006-2007 time period. 10:04

19 A I don't know off the top of my head. 10:04

20 Q Do you remember approximately? 10:05

21 A I want to say 4,000. 10:05

22 [REDACTED] [REDACTED]

23 [REDACTED] 10:05

24 MR. BAKER: Objection to form. 10:05

25 THE WITNESS: The vast majority of Google 10:05

Page 27

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1 communicates via chat, yes. 10:05

2 MR. GONZALEZ: I'm not too good at math. I'm 10:05

3 doing it in my head. 10:05

4 [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] 10:05

7 A It -- it's dependent on what the custom- -- 10:05

8 sorry -- what the employee chooses for settings. 10:05

9 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] 10:06

Page 28

1 settings and options? 10:17

2 A Yeah. 10:17

3 Q Does Google give any guidance or suggestions 10:17

4 to your [REDACTED] as to how long they 10:17

5 should save chats, if they choose to save them at all? 10:18

6 A No. 10:18

7 Q Do you give them any advice or guidance as to 10:18

8 whether their default should be "on" or "off"? 10:18

9 A No. 10:18

10 Q What is the default? 10:18

11 Is it automatically "off" for the [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:18

13 A When a -- when a G Suite company adopts 10:18

14 G Suite, the default in the administration panel is 10:18

15 "history on." 10:18

16 Q Meaning that [REDACTED]? 10:18

17 A They would be saved indefinitely. 10:18

18 Q So that the [REDACTED], when they 10:18

19 first sign up for G Suite, the default on the system 10:19

20 that you give them is that they indefinitely save all 10:19

21 of their chats? 10:19

22 A Correct. 10:19

23 Q And do they then have the option to change 10:19

24 that? 10:19

25 A Yes. 10:19



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1 Q It sounds like [REDACTED] [REDACTED]  
[REDACTED] [REDACTED], unless the 10:22  
3 user decides not to? 10:22  
4 A Correct. 10:22  
5 Q So I have a question. It's just -- 10:22  
6 A Sure. 10:22  
7 Q -- i [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:22  
10 MR. BAKER: Objection to form. 10:22  
11 THE WITNESS: [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:22  
13 MR. GONZALEZ: Yeah. 10:22  
14 [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 10:23  
20 Q Do you guys do any surveys to ask your 10:23  
21 customer -- your corporation customers why they choose 10:23  
22 various options? 10:23  
23 A My product management team is -- is regularly 10:23  
24 talking to customers. That is not a particularly 10:23  
25 contentious area. 10:23

Page 41

1	their computers?	11:09
2	MR. BAKER: Objection; form.	11:09
3	THE WITNESS: I don't know.	11:09
4	MR. GONZALEZ: Q. Is it hundreds, the number	11:09
5	of messaging apps that have been approved for use by	11:10
6	Google employees.	11:10
7	A I don't know. Our policies are -- are --	11:10
8	there's no specific list of allowed messaging apps for	11:10
9	personal use.	11:10
10	Q I want to make sure I understand this part.	11:10
11	How many messaging apps do you use for personal use,	11:10
12	other than the Google stuff?	11:10
13	A So --	11:10
14	Q You mentioned -- you mentioned a couple.	11:10
15	MR. BAKER: I'm just going to object as	11:10
16	outside the scope again.	11:10
17	You can answer.	11:10
18	THE WITNESS: Okay. I use about 14.	11:10
19	MR. GONZALEZ: Q. Why so many.	11:10
20	A In my role, I force my friends and family to	11:10
21	use different apps.	11:10
22	Q That's fair.	11:10
23	A Yeah.	11:10
24	Q Part of your job is to kind of know what the	11:10
25	competitors are doing?	11:10

1 A Exactly. 11:10

2 Q And how theirs works? 11:10

3 A Right. 11:11

4 Q And if theirs has some fancy bell and 11:10

5 whistle, then maybe you might want to add that to 11:11

6 yours? 11:11

7 A Maybe people love Peaches more than I 11:11

8 thought. 11:11

9 Q Exactly. 11:11

10 Do you use that one? 11:11

11 A I have at one time. I do not right now. 11:11

12 Q What are the ones that you use? 11:11

13 A I mainly, in my personal life, use WhatsApp. 11:11

14 It's a -- that's mainly for non-U.S. friends. I use 11:11

15 Facebook Messenger. I use Slack. Those are the main 11:11

16 ones I use. I have one friend that uses Telegram and 11:11

17 won't talk to me on anything else. 11:11

18 Q What other ones do you use even just a little 11:11

19 bit? 11:11

20 You mentioned 14. 11:11

21 A WeChat, Luna, Symphony. I think that's -- I 11:11

22 mentioned Facebook Messenger. I have not used Signal 11:12

23 in a while. 11:12

24 Q But you have used it? 11:12

25 A Uh-huh. I use Snapchat. 11:12

1                   That's all I can recall right now.                   11:12

2           Q    HipChat?                   11:12

3           A    I'm not currently using HipChat, no.           11:12

4           Q    Have you ever used it?           11:12

5           A    Yes.           11:12

6           Q    And these various messaging applications, did   11:12

7   you have to get approval from someone at Google in       11:13

8   order to use those on your Google machine?           11:13

9           A    Not that I recall, no.           11:13

10          Q    So how do you use those in your Google       11:13

11   machine? Just download them?           11:13

12          A    They're mainly mobile, and so I use them on   11:13

13   one of my phones.           11:13

14          Q    Is that a Google-issued phone?           11:13

15          A    No. It's -- I have a number of -- again, in   11:13

16   my role, which is strange, I have between ten and 15   11:13

17   devices that I'm rotating between.           11:13

18                   An average person would -- would install it   11:13

19   either on their personal device or a Google-issued       11:13

20   device.           11:13

21          Q    And for the standard person who is installing   11:13

22   it on their personal or Google-issued device, do they   11:13

23   need to get permission from Google to do that?       11:13

24          A    Not that I'm aware of.           11:13

25          Q    And mechanically, the way I would install one   11:14

1 I'm just trying to see if you guys will just exchange 11:19  
2 that information or give us that information. 11:19  
3 MR. BAKER: Well, I'll consider your request, 11:19  
4 but I would like to see a formal discovery request. 11:19  
5 Actually, I don't even think we need a formal 11:19  
6 discovery request, because I don't think you're 11:19  
7 entitled to any additional discovery. 11:20  
8 But I'll consider your request. 11:20  
9 MR. GONZALEZ: Okay. Just let us know. If 11:20  
10 the answer is "no," we'll know how to proceed. 11:20  
11 Q If a customer does require a specific chat 11:20  
12 service for communication, as indicated here in the 11:20  
13 policy, then Google would use that chat service for 11:20  
14 communications with that customer? 11:20  
15 A The people that were -- required that -- 11:20  
16 whose -- whose job required that communication, yes. 11:20  
17 Q And so, with respect to those types of chats, 11:20  
18 if a Google employee is communicating with a 11:20  
19 non-Google messaging app service, how long would that 11:20  
20 chat be saved? 11:20  
21 A It would be dependent on the chat application 11:20  
22 they were using. 11:20  
23 Q Yeah, that's what I was trying to get at. 11:20  
24 So all this stuff you said earlier about 11:20  
25 [REDACTED] and all that stuff won't apply if it's a 11:21

1 use that one because it presents security risks? 11:27

2 A No. 11:27

3 Q I think I asked you this, but in case I 11:27

4 forgot, the Waymo employees follow the same 11:28

5 preservation policies as the Google employees; is that 11:28

6 right? 11:28

7 A Correct. 11:28

8 (Document marked Exhibit 2302 11:28

9 for identification.) 11:29

10 MR. GONZALEZ: Sir, you've been handed a 11:29

11 document that we have marked as Exhibit 2302. It's a 11:29

12 declaration from Theresa Beaumont, who I understand, 11:29

13 at least at some point, was a Google employee. 11:29

14 Q Have you seen this before? 11:29

15 A I have not. 11:29

16 Q So, if you look at paragraph 8, she says: 11:29

17 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] 11:29

22 Do you have any understanding as to what she 11:29

23 means by [REDACTED] [REDACTED]

[REDACTED] [REDACTED]? 11:30

25 MR. BAKER: Objection; form. 11:30

CERTIFICATE OF REPORTER

I, ANDREA M. IGNACIO, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript [ ] was [x] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

Dated: December 15, 2017

A handwritten signature in blue ink, appearing to read 'Andrea M. Ignacio', is written over a horizontal line.

ANDREA M. IGNACIO,  
RPR, CRR, CCRR, CLR, CSR No. 9830